

Remarks

Summary

Reconsideration of the application is respectfully requested.

Claims 1-19 remain in the application. Claims 1-11 are allowed as in a previous Office Action. No claims have been amended.

Claim Rejections - 35 U.S.C. § 103

To establish obviousness under 35 U.S.C. § 103, the Examiner must view the invention as a whole. Further, the Examiner is to perform the obviousness analysis in accordance with the standard set forth by the Supreme Court in *Graham v. John Deere Co.* That standard requires that the Examiner (1) determine the scope and content of the prior art; (2) ascertain the differences between the prior art and the claims in issue; (3) resolve the level of ordinary skill in the art; and (4) evaluate evidence of secondary considerations. 383 U.S. 1, 17-18 (1966); *see also* MPEP 2141. Secondary considerations include whether the invention met with commercial success, whether the invention answered a long felt need, and whether others attempting the invention have failed. *Graham*, 383 U.S. at 17-18. Further, in applying the *Graham* framework, the Examiner must consider the invention as a whole, without the benefit of hindsight. MPEP 2141.

1. In "Claim Rejections – 35 USC § 103," item 3 on page 2 of the above-identified final Office Action, claims 12-13 and 19 have been rejected as being unpatentable over U.S. Published Patent Application No. US 2003/0022703, accorded to *Reshefsky*, (hereinafter *Reshefsky*) in view of U.S. Published Patent Application No. US 2001/0050993, accorded to *Douglas* (hereinafter *Douglas*) under 35 U.S.C. § 103.

Claim 12, as previously amended, recites a wireless mobile phone headset comprising:

“a first earpiece receiver;

a microphone; and

a connector having two plugs respectively coupled to said first earpiece receiver and said microphone to facilitate (a) removable attachment of the wireless mobile phone headset to a wireless mobile phone via two corresponding complementary interfaces of the wireless mobile phone, an input-output interface and an output interface, where telephony and non-telephony audio signals are outputted on both interfaces, and (b) transfer of telephony and non-telephony audio signals from said wireless mobile phone to said first earpiece receiver via the output interface and the plug mating with the output interface, and transfer of audio inputs from said microphone to said wireless mobile phone via the input-output interface and the plug mating with the input-output interface.”

In contrast, neither Reshefsky nor Douglas teaches “a connector having two plugs respectively coupled to said first earpiece receiver and said microphone,” one plug coupled to the receiver for transferring only audio signals from the wireless phone to the receiver via an output interface, and a second plug coupled to the microphone for transferring only audio inputs from the microphone to the wireless phone. Further, neither Reshefsky nor Douglas teaches an “output interface.”

Reshefsky, as acknowledged by the Examiner, fails to teach a connector having two plugs, much less a connector where one plug is coupled to a microphone and another is coupled to an earpiece receiver. Reshefsky further fails to teach an “output interface,” instead disclosing one input-output interface capable of receiving audio inputs from a microphone.

Douglas fails to cure either defect. While Douglas teaches a connector having two plugs, each plug in Douglas is used for both audio output and microphone input transmission, thus Douglas fails to teach a “connector having two plugs respectively coupled to said first earpiece receiver and said microphone.” Figure 4 of Douglas illustrates left ground 14 and right ground 15, both transmitting microphone signals, both receiving audio. Accordingly, it follows that both of the interfaces mated with the prongs of Douglas are input-output

interfaces. Thus, Douglas does not teach an output interface. It further follows that Douglas fails to teach a connector having two plugs where each of the plugs serves a different purpose, as do the plugs of claim 12. The plugs of Douglas serve identical purposes while, as claimed in claim 12, one plug receives only audio output, and the other receives only microphone input.

Accordingly, Applicant submits Douglas does not remedy the deficiency of Reshefsky. Therefore, claim 12 is patentable over Reshefsky in view of Douglas.

Claims 13 and 19 depend from claim 12, incorporating its limitations. Therefore, for at least the reasons above, claims 13 and 19 are also patentable over Reshefsky in view of Douglas.

2. In “Claim Rejections – 35 USC § 103,” item 4 on page 4 of the above-identified final Office Action, claims 14 and 16 have been rejected as being unpatentable over Reshefsky and Douglas further in view of U.S. Patent No. 6,594,366, accorded to *Adams* (hereinafter *Adams*) under 35 U.S.C. § 103.

Adams does not remedy the previously discussed deficiencies of Reshefsky and Douglas. Accordingly, claim 12 remains patentable over Reshefsky and Douglas, even when further combined with *Adams*.

Claims 14 and 16 depend from claim 12, incorporating its limitations. Accordingly, for at least the same reasons, claims 14 and 16 are patentable over the cited references.

3. In “Claim Rejections – 35 USC § 103,” item 5 on page 5 of the above-identified final Office Action, claims 15, 17 and 18 have been rejected as being unpatentable over Reshefsky and Douglas and further in view of U.S. Published Patent Application No. US 2003/0104842, accorded to *Choi, et al.* (hereinafter *Choi*) under 35 U.S.C. § 103.

Choi does not remedy the previously discussed deficiencies of Reshefsky and Douglas. Accordingly, claim 12 remains patentable over Reshefsky and Douglas, even when further combined with Choi.

Claims 15, 17 and 18 depend from claim 12, incorporating its limitations. Accordingly, for at least the same reasons, claims 15, 17 and 18 are patentable over the cited references.

CONCLUSION

As a result of the amendments made herein, Applicant submits that claims 1-19 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at 206-407-1513. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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by: 

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